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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SORKIN, DAVID L

ART UNIT PAPER NUMBER

1723

DATE MAILED: 04/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.		Applicant(s) <i>8</i>	
	09/893,126		JURIGA ET AL.	
	Examiner		Art Unit	
	David L. Sorkin		1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-18 and 22-27 is/are rejected.
- 7) ☒ Claim(s) 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: 103 and 104. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference signs in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The specification is objected to because, on line 5 of page 9 the term "coupling pin 12" is used, while the remainder of the specification as well as the drawings refer to the "mains cord" using reference sign "12".
3. Also, in the paragraph which was originally line 17-30 of page 9, "a pin 112" apparently should read - - a pin 122 - -.

Claim Objections

4. Claim 14 objected to because of the following informality: after "35" a closed parenthesis should be inserted.
5. Claim 22 is objected to for the following reason. Claim 22 begins "A switching module (130) ... wherein the switching module (130) comprises". It appears that "switching module (130)" should read - - switching module (9) - -. According to the specification (page 10) the switching module (9) includes the switching means

configuration (130) as well as the terminals (10,11) and interference suppression means (16).

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 22-27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The originally filed specification does not disclose a module comprising all the components required by new independent claim 22. The specification describes two separated modules: a "first module 9" and "a second module 44". While the claimed module of new claim 22 is otherwise consistent with "first module 9", the first module 9 does not include "means for actuating the speed switching means (60) in response to a first mechanical input". While the specification (page 5, lines 7-26) discloses "actuating means 19" which is for actuating the speed switching means (60), the actuating means is not a part of the "first module 9" according to the specification and drawings. The specification also discloses "actuating means 21", but this actuating means is also not part of module 9 and is not for actuating the speed switching means (60).

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claim 25-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 25 depends from a canceled claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 13, 14, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerson (US 3,533,600). Regarding claim 13, Gerson ('600) discloses a hand mixer comprising two main terminals (100, 102), tool connection means (38), a multi-speed motor (16), first switching handle (the "actuating handle" referred to col. 4 line 56 to col. 5 line 7) and a second switching handle (the "actuating button" referred to in col. 5, lines 8-30); a switching module (including 98, 108, 110, 119, 120 and 125) which includes speed switching means (including 108 and 110, see col. 4 line 56 to col. 5 line 7) for switching the speed of the motor to different lower speed values, and start means (including 119 and 120, see col. 5, lines 8-30) for starting the motor at higher speed, said speed switching means being arranged for actuation by said first switching handle, said start means being arranged for actuating by said second switching handle (see Fig. 2; col. line 56 to col. 5 line 30), characterized in that the two main terminals and the speed switching means and the start means are connected mechanically and electrically to form a module and all the electrical connections between the to terminals

and the speed switching means and the start means are realized on the module (see Fig. 2). Regarding claim 14, said tool connection means is connected to one of a plurality of mixing tools (see col. 3, lines 14-21). Regarding claim 22, Gerson ('600) discloses a switching module for a hand-held mixer which has two main terminals (100, 102) for connection to a source of electrical power and has a motor (27) for driving mixing tools and is adapted to effect driving with at least two lower speeds and with a speed which is higher than the lower speeds, wherein the switching module comprises speed switching means (including 108 and 110, see col. 4 line 56 to col. 5 line 7 actuating means for the switching means are also disclosed therein) for switching the speed of the motor to different lower speed values, and start means (including 119 and 120, see col. 5, lines 8-30) for starting the motor at higher speed in respond to a second mechanical input, characterized in that the two main terminals and the speed switching means and the start means are connected mechanically and electrically to form the module and all the electrical connections between the to terminals and the speed switching means and the start means are realized on the module (see Fig. 2). Regarding claim 24, said source of electric power is an a.c. mains, characterized in that the module comprises connecting leads fixedly connected to the module and having free ends arranged for connection to respective motor terminal (see col. 4 line 56 to col. 5 line 7).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 15-18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerson (US 3,533,600). Regarding claims 15, 16 and 23, applicant admits on page 5, line 6 that interference is suppressed "in known manner". Regarding claim 17, said motor is disclosed to have a plurality of terminals for selective connection to electrical power to cause the motor to operate at different speeds (see col. 2, lines 66-69; col. 4 line 56 to col. 5 line 7); however, it is not explicitly stated that there are "more than three" such terminals. It is considered that it would have been obvious to one of ordinary skill in the art to have provided more than three such terminals to provide a variety of speeds for different mixing applications. See *St. Regis Paper Co. v. Bemis Co., Inc.* 193 USPQ 8, 11 (7th Cir. 1977) and *In re Harza* 124 USPQ 379 (CCPA 1960) regarding the obviousness of duplicating parts. Regarding claim 18, Gerson ('600) further discloses connecting leads are fixedly connected to the module and have free ends arranged to be connected to respective ones of the motor terminals (see col. 4 line 56 to col. 5 line 7).

Allowable Subject Matter

14. Claims 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 8:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin

April 23, 2003



CHARLES E. COOLEY
PRIMARY EXAMINER